



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/680,654

10/06/2000

David Allison Bennett

PSTM0015/MRK

9943

29524 7590 11/18/2008
KHORSANDI PATENT LAW GROUP, A.L.C.
140 S. LAKE., SUITE 312
PASADENA, CA 91101-4710

EXAMINER

PLUCINSKI, JAMISUE A

ART UNIT

PAPER NUMBER

3629

MAIL DATE

DELIVERY MODE

11/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: DAVID ALLISON BENNETT, LYNN SHAINDELL
GOLDHABER, LORY ELIZABETH KRETT, WILLIAM W. SMITH III,
PAUL BILIBIN, and CHARLES D. MENTZER

Application No. 09/680,654
Technology Center 3600

Mailed: 18 November 2008

Before LAWRENCE J. BANKS *Paralegal Specialist*
BANKS, *Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 29, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, EVIDENCE RELIED UPON

Section §1207.02 of the *Manual of Patent Examining Procedure*

(MPEP) (Eighth Edition, Rev. 6, September 2007) states:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . . .

- (8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and in the case of nonpatent references, the relevant page or pages.

The Examiner's Answer mailed November 30, 2006, is deficient because the "Evidence Relied Upon" section fails to include the reference(s) Kara (US 6,233,568), USP® Service Guide (www.ups.com) and FedEx® Services (www.fedex.com), and Barnett (US 6,369,840), cited on page(s) 3-6 in the Examiner's Answer's grounds of rejection of claims 1-21, 26-52, and 57-70 under 35 USC § 103(a).

Appropriate correction is required.

Accordingly, it is ORDERED that the application is returned to the Examiner:

1) to issue a PTO-90 citing the missing references listed under the Evidence Relied Upon section, paragraph (8); and

2) for such further action as may be required.

Application No. 09/680,654

KHORSANDI PATENT LAW GROUP, A.L.C.
140 S. LAKE., SUITE 312
PASADENA CA 91101-4710